Notice of Allowability	Application No. 10/055,936	Applicant(s) MALMQVIST ET AL.	
	Examiner Chester T. Barry	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *1/28/02 amdmt*.
2. ☒ The allowed claim(s) is/are *7-12*.
3. ☒ The drawings filed on *28 January 2002* are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

 * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No. ____.
 (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1☐ Notice of References Cited (PTO-892)
2☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. 2/28/2003
4☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5☐ Notice of Informal Patent Application (PTO-152)
6☐ Interview Summary (PTO-413), Paper No._____ .
7☐ Examiner's Amendment/Comment
8☒ Examiner's Statement of Reasons for Allowance
9☐ Other

Chester T. Barry
703-306-5921 direct
Art Unit: 1724

The following is an examiner's statement of reasons for allowance: Claims 7-12 are allowed because the prior art of record fails to teach or suggest the claimed invention wherein the quotient of BOD_5 to either biologically available nitrogen or biologically available phosphorus supplied to the biofilm process is "particularly within the interval from 100:1 to 150:1" or "particularly within the interval from 500:1 to 700:1," respectively.

Insofar as it is clear that in claim 7 line 7 "process. Being kept" means "process, being kept," no rejection under 35 USC Sec. 112(second paragraph) is deemed appropriate.[1] Equally clear is the fact that there is no evidence to suggest that neither instance of "particularly" in claim 7 means "more preferably." Rather, "particularly" means that with respect to each recited quotient, the value of the quotient in claimed invention is "particularly" the specified most narrow range (100-150 or 500-700, as the case may be).

Any comments considered necessary by applicant **must** be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Chester T Barry

703-306-5921

CHESTER T. BARRY
PRIMARY EXAMINER

[1] Claims are interpreted in light of the specification. See for example, original claim 1 ("process, being kept").